

PERSPECTIVE SERIES

HONDURAS

UPDATE ON HUMAN RIGHTS CONDITIONS

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NOTE: Research for this paper was completed in March 2000.

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I. OVERVIEW

After decades of right-wing military rule, the Honduran armed forces finally gave way to elected civilian rule in 1982. However, over the next decade, the military maintained its status as the most powerful institution in the country. It retained control of the national police force, and it continued to enjoy high levels of institutional autonomy and unaccountability, as well as impunity with regard to violations of human rights. After the return to civilian rule, the military also expanded its constellation of business interests, making the armed forces by the early 1990s one of Honduras' ten largest corporations. Meanwhile, elected civilian governments remained weak and riddled with corruption, and it was not until the mid-1990s under President Carlos Roberto Reina that the inordinate power of the military began to be curtailed.¹

In 1997, the national police—a paramilitary force called the *Fuerza de Seguridad Pública* (FUSEP), Public Security Force, which had been under the control of the military—was transferred to civilian authority. In 1998, a new Ministry of Security headed by a civilian was established to oversee all police operations. Also that year, the Honduran Congress amended the constitution to establish civilian control over the 12,000-member armed forces through a civilian Minister of Defense.² In January 1999, the government of President Carlos Flores Facussé, elected in November 1997, named Edgardo Dumas, a lawyer and businessman, the first civilian Minister of Defense in nearly five decades and only the third in the nation's 178-year history.³

A crisis in civil-military relations developed in mid-July 1999 when Dumas was out of the country and a group of hard-line officers attempted to oust key members of the military high command, the culmination of a months-long power struggle within the military. When Dumas returned he ordered that the changes be reversed but was ignored, creating a constitutional crisis and generating rumors of an impending military coup. A coup actually seemed to be in progress on July 30 when top military and government

¹ Freedom House. "Honduras," *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 1991-1992* (New York: FH, 1992), p. 236-238. Freedom House. "Honduras," *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 1995-1996* (New York: FH, 1996), p. 257-259. Payne, Douglas W. *Storm Watch: Democracy in the Western Hemisphere into the Next Century* (Washington, DC: Center for Strategic and International Studies, 1998), p. 9.

² Bureau of Democracy, Human Rights and Labor. *Honduras Country Report on Human Rights Practices for 1998* (Washington, DC: US Department of State, 26 February 1999), p. 6. [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html.

³ "Honduras nombra a un civil ministro de defensa," *El Nuevo Herald* (Miami: 29 January 1999) - from *Reuters* (Tegucigalpa: 28 January 1999). *Associated Press* (Tegucigalpa: 25 May 1999).

officials arrived at the presidential palace in the capital of Tegucigalpa. An abnormally large number of soldiers were stationed there; national radio played military marches—in the past a signal that the armed forces were taking over the government—and a helicopter was parked on the lawn with its engines running, causing many Hondurans to believe President Flores was about to flee. After a number of hours, however, Flores appeared on television to announce that he had appointed a new military high command and to claim that civil authority had never been in jeopardy.⁴

A number of Honduran analysts, human rights organizations, and civic groups believed that there was still tension within the military, and that until the government provided a clear explanation of what actually took place on July 30 when a coup seemed to be underway, further instability could not be ruled out. Other analysts, however, noted that the officers removed by Flores were among those who had been resisting the 1998 constitutional reforms, and suggested that the president's overhaul of the military command had strengthened civilian authority over the armed forces.⁵

The latter view gained strength in the ensuing months amid evidence of increasing cooperation between Minister of Defense Dumas and the new armed forces chief of staff, Col. Danilo López Carballo, and López Carballo's willingness to meet with leaders of Honduran human rights organizations.⁶ In February 2000, the military began to allow human rights organizations to give seminars to armed forces members, including officers as well as new recruits, and the Congress began to move on legislation which theoretically would put the military budget under the full control of the Ministry of Defense.⁷ That same month, however, there were tensions around the issue of corruption in the military. Civilian auditors assigned to an unprecedented investigation into the possible misuse of \$90 million by the armed forces sought government protection after

⁴ Leiva, Noe. "Honduras busca consolidar el poder civil frente a los militares renuentes," *El Nuevo Herald* (Miami: 1 August 1999) - from Agence France Presse (Tegucigalpa). "El Presidente de Honduras destituye a la cúpula militar," *El País* (Madrid: 1 August 1999) - from EFE Spanish News Agency (Tegucigalpa). Cuevas, Freddy. "Honduran Leader Denies Coup Attempt," *Associated Press* (Tegucigalpa: 31 July 1999).

⁵ "Varios organismos creen que la crisis militar en Honduras 'no está cerrada'," *El País* (Madrid: 2 August 1999) - from EFE Spanish News Agency (Tegucigalpa).

⁶ "Fuerzas Armadas tienen un freno contra las violaciones a derechos humanos," *Diario Tiempo* (San Pedro Sula: 17 October 1999). "No existen contradicciones entre FFAA y el COFADEH," *La Tribuna* (Tegucigalpa: 9 September 1999).

⁷ "Militares reciben charla sobre derechos humanos," *Diario Tiempo* (San Pedro Sula: 27 February 2000). "Presupuesto de las FFAA será controlado por la Secretaría de Defensa," *La Tribuna* (Tegucigalpa: 4 February 2000).

alleging that they had received death threats from active military members, an allegation denied by Col. López Carballo.⁸

A. Impunity and Corruption

According to the U.S. Department of State in its annual report covering 1999, human rights violations declined after the police were separated from the armed forces. However, it stated that “serious problems remained” as members of the security forces continued to commit abuses, including torture and possible extrajudicial killings, with relative impunity.⁹ In noting the continuing lack of accountability for rights violations, it stated, “Considerable impunity for members of the economic and official elite, exacerbated by a weak, underfunded, and sometimes corrupt judicial system, contributes to human rights problems.”¹⁰ Many leading politicians enjoy constitutional immunity from prosecution because of their membership in either the National Congress or the Central American Parliament, even for acts committed before taking office.¹¹ Corruption in Honduras, in fact, remains pervasive—in Transparency International’s annual corruption index for 1999, Honduras displaced Paraguay as the most corrupt country in Latin America.¹² The continued weak rule of law and systemic corruption prompted Leo Valladares Lanza, the *Comisionado Nacional de Derechos Humanos* (CONADEH), National Human Rights Commissioner, to state in May 1999, “The forces of power are still much stronger than the forces of democracy.” The National Human Rights Commissioner, a post created in 1992, is elected by the Honduran Congress and, by law, the office operates with a substantial degree of independence.¹³

⁸ “Honduran army investigators seek protection,” *Reuters* (Tegucigalpa: 3 February 2000).

⁹ Bureau of Democracy, Human Rights and Labor. *Honduras Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 1-2. [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html.

¹⁰ Bureau of Democracy, Human Rights and Labor. *Honduras Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 1-2. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

¹¹ Bureau of Democracy, Human Rights and Labor. “Honduras,” *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), pp. 8-9. [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html.

¹² Transparency International. *The Corruption Perceptions Index* (Berlin: September 1999). [Internet] www.transparency.de/documents/cpi/index.html.

¹³ Christensen, Erling Duus. “Human Rights Commissioner Assesses Strength of Democracy in Honduras,” *Honduras This Week* (Tegucigalpa: 31 May 1999), [Internet] Online Edition 159: www.marrder.com/htw/may99/national.htm.

A principal area of human rights violations—attacks against rights activists themselves—is often related to the ongoing efforts to bring to justice those responsible for past rights violations, particularly in the cases of the 184 men, women and children listed as having been “disappeared” by Honduran security forces between 1980 and 1992 when Honduras was caught up in Cold War conflicts in neighboring Nicaragua, El Salvador and Guatemala.¹⁴ Human rights defenders as well as public prosecutors working on rights violations cases consistently are targets of harassment, threats and illegal searches, as well as occasional violent attacks and, in some cases, apparent extrajudicial execution.¹⁵

Since the mid-1990s, civilian authorities, pressed by rights activists, have taken some initiatives to prosecute military and police officers for past human rights violations. But their efforts have been undermined by the refusal of the military to have members of their forces submit themselves to judicial authorities and the inclination of the courts to support claims by the few defendants who have been tried that they are protected by amnesty laws passed in 1987 and 1991.¹⁶ Civil court judges brought criminal charges in 1997 against a number of senior active or retired military officers for murder, attempted murder, and illegal detention during the 1980s, but appellate courts eventually dismissed those cases.¹⁷ What Amnesty International concluded in April 1998, that “impunity persists,” generally held true through much of 1999.¹⁸ Honduran human rights activists were particularly concerned when President Flores appointed Gen. Luis Alonso Discua as an aide to the Honduran Embassy at the United Nations. Gen. Discua, the commander of the armed forces in the mid-1990s, has been alleged by Honduran human rights monitors to have been the original chief of Battalion 3-16, an army intelligence body evidently

¹⁴ Amnesty International. *Honduras: Still Waiting for Justice* (London: AMR 37/04/98, April 1998), p. 1.

¹⁵ Amnesty International. “Honduras,” *Annual Report 1999* (London: May 1999), p. 1-3. [Internet] www.amnesty.org/ailib/aireport/ar99/amr37.htm. Bureau of Democracy, Human Rights and Labor. *Honduras Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 13. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

¹⁶ Amnesty International. *Honduras: Still Waiting for Justice* (London: AMR 37/04/98, April 1998), p. 1. “Honduras Searches for Disappeared in 80s Dirty War,” *Reuters* (Tegucigalpa: 4 July 1999).

¹⁷ Bureau of Democracy, Human Rights and Labor. “Honduras” *Country Report on Human Rights Practices for 1998* (Washington, DC: US Department of State, 26 February 1999), p. 8 [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html.

¹⁸ Amnesty International. *Honduras: Still Waiting for Justice* (London: AMR 37/04/98, April 1998), p. 1. “Honduras Searches for Disappeared in 80s Dirty War,” *Reuters* (Tegucigalpa: 4 July 1999).

responsible for many, and possibly a majority, of the disappearances recorded in the 1980s.¹⁹

A small crack in the impunity of the armed forces was made in June 1999 when the Supreme Court concluded a nearly decade-long legal process by sentencing former army Colonel Angel Castillo Maradiaga to ten years in prison for the rape and killing of a student in 1991. At the same time, however, a commission of senior officers named by the armed forces in June 1998 to investigate rights violations by the military had still made no public findings by the end of 1999, a year and a half later.²⁰

B. Crime, “Social Cleansing,” and Death Squads

Many human rights violations also stem from the surge in violent crime that has afflicted Honduras and its Central American neighbors during the 1990s. As crime has increased, so too have incidents of torture, beatings and deaths of criminal suspects while in police custody.²¹ Although the Department of State has noted "modest progress" in recent years, the judicial system in general, lacking in resources and competence and undermined by “subcultures of corruption, clientism, patronage, and influence-peddling,” is largely unable to protect the rights of either suspected criminals or ordinary citizens who increasingly are the victims of crime.²²

In 1999, of the more than 10,000 people held in prisons, more than 90 percent had been awaiting trial for an average of 22 months, with some waiting more than five years.²³ A significant number of detainees serve the maximum possible sentence for the crime of

¹⁹ “Custodio denuncia ante Flores desaparición de dos suecos,” *Diario Tiempo* (San Pedro Sula: 28 July 1999). Bureau of Democracy, Human Rights and Labor. *Honduras Country Report on Human Rights Practices for 1998* (Washington, DC: US Department of State, 26 February 1999), p. 3. [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html. “Falta voluntad al gobierno para encarcelar a responsables de desapariciones: CODEH,” *Diario Tiempo* (San Pedro Sula: 5 May 1999).

²⁰ Bureau of Democracy, Human Rights and Labor. *Honduras Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 4. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

²¹ Amnesty International. “Honduras,” *Annual Report 1997* (London: May 1997), p. 1-3. [Internet] www.amnesty.org/ailib/aireport/ar97/amr37.htm. Amnesty International. “Honduras,” *Amnesty International Report 1999* (London: May 1999), p. 3. [Internet] www.amnesty.org/ailib/aireport/ar99/amr37.htm.

²² Bureau of Democracy, Human Rights and Labor. *Honduras Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 10. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

²³ Bureau of Democracy, Human Rights and Labor. *Honduras Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 7. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

which they are accused before even going to trial.²⁴ When cases do get to court, poorly trained judges often operate “on a presumption that the accused is guilty,” which is counter to existing constitutional guarantees.²⁵ Harsh conditions in severely overcrowded, antiquated facilities—the government allocates only \$0.43 per day for food and medicine for each prisoner—and the backlog in the processing of cases cause frequent disturbances which result in deaths and injuries, the destruction of prison facilities, and mass escapes. On a number of occasions, the government has placed the military in temporary command of prisons to restore order.²⁶

The mounting wave of murders, random shootings, kidnappings for ransom, rapes, bank robberies, residential break-ins, drug-trafficking, and carjackings has created widespread anxiety and fear among Hondurans.²⁷ In 1998, the homicide rate reached 6 to 12 murders per day in Tegucigalpa alone, the capital city of approximately one million people.²⁸ Much of the crime is carried out by well-organized, heavily armed criminal groups.²⁹ There also is a “well-founded perception” that corrupt police and armed forces personnel are “complicit in the high crime rate.”³⁰

²⁴ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 8. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

²⁵ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 9. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

²⁶ Cuevas, Freddy. "Hondurans Inmates Riot, Escape," *Associated Press* (Tegucigalpa: 11 February 1998). Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 7. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

²⁷ Moreno, Blanca. "Where are the Police? Nation in State of Emergency as Criminals Take Over," *Honduras This Week* (Tegucigalpa: 31 May 1999). Online Edition 150: [Internet] www.marrder.com/htw/march99/national.htm.

²⁸ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1998* (Washington, DC: US Department of State, 26 February 1999), p. 2. [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html.

²⁹ "Crimen organizado tiene buenos contactos en Honduras, dice Fiscal del Estado," *La Prensa* (Tegucigalpa: 16 June 1997). [Internet] www.laprensahn.com/natarc/9706/n16001.htm. La plaga de los secuestros llega hasta Honduras," *El Nuevo Herald* (Miami: 23 June 1999) - from Reuters (Tegucigalpa). "Honduras mulls guns for cash and food programs," Reuters (Tegucigalpa: 29 January 2000).

³⁰ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 6. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

Much of the crime is carried out by well-organized, heavily armed criminal groups, and there is a “well-founded perception” that corrupt police and armed forces personnel are involved.³¹

Escalating crime and the apparent impotence of the authorities to curb it have spawned the emergence of vigilante groups, including death squads, which carry out *limpieza social*, social cleansing operations, against suspected criminals, members of youth gangs, and street children.³² Human rights organizations and the Roman Catholic Church in Honduras for a number of years have alleged that these groups include former police officers and soldiers and that some are linked to the current national police force and/or the armed forces, an allegation denied by the government.³³ In 1998, Bertha Oliva de Nativí of the *Comité de Familiares de Detenidos-Desaparecidos en Honduras* (COFADEH), Committee of Relatives of the Detained-Disappeared in Honduras, stated, “In Honduras, the structure of the death squads that ravaged the country in the 1980s remains intact and active. These armed groups now are making a clandestine effort to carry out social cleansing and eliminate criminals.”³⁴ The *Comité de Defensa de Derechos Humanos en Honduras* (CODEH), Committee for the Defense of Human Rights in Honduras, the country’s other principal independent rights group, has alleged that Battalion 3-16 has been revived at least in part.³⁵

In August 1999, following the execution-style killings of four youths who apparently belonged to youth gangs in Tegucigalpa, Sandra Ponce, the human rights prosecutor in the office of the Attorney General, ordered an investigation into the possible participation of police in social-cleansing death squads. COFADEH stated at the time that it had recorded more than one hundred killings of youth gang members by unknown

³¹ Bureau of Democracy, Human Rights and Labor. “Honduras,” *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 6. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

³² “Church Decries Killings of Gang Members in Honduras,” *Reuters* (Tegucigalpa: 6 July 1998). “Region: Governments Debate Measures to Confront Rising Crime,” *Ecocentral* (Latin American Database: University of New Mexico, 17 September 1998). [Internet] [http://ladb.unm.edu/prot/search/retrieve.php3?ID\[0\]=23134](http://ladb.unm.edu/prot/search/retrieve.php3?ID[0]=23134).

³³ “Peregrinación contra escuadrones de la muerte organizan en el Aguán,” *Diario Tiempo* (Tegucigalpa: 2 March 2000). “Church Decries Killings of Gang Members in Honduras,” *Reuters* (Tegucigalpa: 6 July 1998). “Region: Governments Debate Measures to Confront Rising Crime,” *Ecocentral* (Latin American Database: Univ. of New Mexico, 17 September 1998). [Internet] [http://ladb.unm.edu/prot/search/retrieve.php3?ID\[0\]=23134](http://ladb.unm.edu/prot/search/retrieve.php3?ID[0]=23134). Bureau of Democracy, Human Rights and Labor. “Honduras,” *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 2. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

³⁴ Cuevas, Freddy. “Honduran Death Squads Revived,” *Associated Press* (Tegucigalpa: 14 January 1998).

³⁵ Cuevas, Freddy. “Honduran Death Squads Revived,” *Associated Press* (Tegucigalpa: 14 January 1998).

assailants in 1998, while police officials continued to deny that any members of the police were involved in death squads.³⁶ In September 1999, CODEH stated that during the year to date it had recorded the execution-style killings of more than 200 delinquents and youth gang members.³⁷ CODEH also said that it had evidence that certain businessmen from the northern Atlantic Coast region were financing social-cleansing death squads.³⁸ For his part, National Human Rights Commissioner Leo Valladares did not single out any social sector but stated that the style and system of killings of youths indicated the existence of “a well organized group.”³⁹

Many of the clandestine social cleansing groups evidently are urban-based, but in recent years vigilante organizations have appeared in rural areas, as well. For example, in June 1999, ranchers in the vast central-eastern province of Olancho announced that they had amassed a force of 550 men armed with AK-47 rifles to carry out “the extermination of criminals.”⁴⁰ There also are concerns about rights abuses related to the generally unregulated private security industry which by 1999 employed about 64,000 armed security guards—some are former soldiers and police while many do not have adequate training—more than three times the combined total of 18,000 military and police personnel.⁴¹ In the view of the U.S. Department of State in its report for 1999:

The continued proliferation of private security forces made it more difficult to differentiate among homicides that may have been perpetrated by government security personnel, private vigilantes, or common criminals.⁴²

³⁶ Dalton, Juan José. “La Fiscalía hondureña rastrea los nexos entre policía y ‘escuadrones de la muerte,’” *El País* (Madrid: 4 August 1999).

³⁷ Dalton, Juan José. “Los paramilitares de Honduras asesinan a 200 delincuentes,” *El País* (Madrid: 21 September 1999).

³⁸ Christensen, Erling Duus. “New human rights president warns of social vulnerability,” *Honduras This Week* (Tegucigalpa: 25 October 1999). Online Edition 180: [Internet] www.marrder.com/htw/october99/national.htm.

³⁹ “Un grupo bien organizado está asesinando mareros,” *Diario Tiempo* (San Pedro Sula: 7 October 1999).

⁴⁰ Cuevas, Freddy. “Hondurans Form Vigilante Group,” *Associated Press* (Tegucigalpa: 29 June 1999). Dalton, Juan José. “La Fiscalía hondureña rastrea los nexos entre policía y ‘escuadrones de la muerte,’” *El País* (Madrid: 4 August 1999).

⁴¹ “Ejércitos privados pululan en Honduras,” *El Nuevo Herald* (Miami: 24 February 1999) - from *Reuters* (Tegucigalpa).

⁴² Bureau of Democracy, Human Rights and Labor. “Honduras,” *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 3. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

II. TARGETS OF HUMAN RIGHTS VIOLATIONS

A. Independent Human Rights Advocates

Human rights activists frequently are targets of harassment, illegal searches, threats, violent attacks, and possible extrajudicial execution because of their human rights advocacy and involvement in pressing for investigations into past rights violations.⁴³ The two principal independent human rights organizations in Honduras are the *Comité de Defensa de Derechos Humanos en Honduras* (CODEH), Committee for the Defense of Human Rights in Honduras, whose president until mid-1999 was Dr. Ramón Custodio López, and the *Comité de Familiares de Detenidos-Desaparecidos en Honduras* (COFADEH), Committee of Relatives of the Detained-Disappeared in Honduras, headed by Bertha Oliva de Nativí. Both organizations have been active since the early 1980s. Custodio López, who resigned to form a political party and run for president of the country in 2001, was replaced as president of CODEH by Andrés Pavón, a longtime activist with the group.

Since it was founded in 1981, CODEH members have been the targets of death threats, violent attacks and, during the 1980s, disappearances.⁴⁴ In October 1996, bombs exploded in two clinical laboratories owned by Custodio after he had denounced the involvement of the military in a bombing campaign which apparently was aimed at thwarting efforts to bring the armed forces under civilian control.⁴⁵ CODEH also has repeatedly denounced the involvement of police and military officers in the organized killings of alleged criminals and attacks on rights and political activists.⁴⁶ In 1998, CODEH published a report which documented nearly two hundred extrajudicial killings between 1990 and 1997.⁴⁷

⁴³ Amnesty International. "Honduras," *Amnesty International Report 1999* (London, May 1999), p. 1-3. [Internet] www.amnesty.org/ailib/aireport/ar99/amr37.htm. Amnesty International. "Human Rights Defenders in Central America: Honduras," *Central America and Mexico: Human Rights Defenders on the Front Line* (London: AMR 37/01/96, March 1996), p. 1 [Internet] www.amnesty.org/ailib/intcam/cemexico/honduras.htm.

⁴⁴ Amnesty International. "Human Rights Defenders in Central America: Honduras," *Central America and Mexico: Human Rights Defenders on the Front Line* (London: AMR 37/01/96, March 1996), p. 2-4. [Internet] www.amnesty.org/ailib/intcam/cemexico/honduras.htm.

⁴⁵ Amnesty International. "Human Rights Defenders in Central America: Honduras," *Central America and Mexico: Human Rights Defenders on the Front Line* (London: AI, AMR 37/01/96, March 1996), p. 3. [Internet] www.amnesty.org/ailib/intcam/cemexico/honduras.htm.

⁴⁶ "Rights Leader Shot in Honduras, Death Squads Blamed," *Reuters* (Tegucigalpa: 11 February 1999).

⁴⁷ Comité de Defensa de Derechos Humanos en Honduras (CODEH). *Informe Sobre La Situación de los Derechos Humanos en Honduras, Enero de 1990 - Junio de 1998* (Tegucigalpa: July 1998). [Internet] www.codeh.hondunet.net/INF1998.htm.

In February 1998, CODEH regional coordinator Ernesto Sandoval Bustillo, a former judge, was shot dead by unidentified men as he walked to the CODEH office in Santa Rosa de Copán, the capital of the western province of Copán. He had received several death threats from *Los Justicieros de la Noche*, Avengers of the Night, a vigilante death squad which in statements to the media had blamed human rights defenders for protecting criminals and had listed the names of 75 people it intended to execute. At the time of his murder, Sandoval Bustillo had been involved in investigations into the murder of indigenous activist Cándido Amador Recinos, whose case is discussed in Section C below, as well as investigations into past human rights violations by Honduran security forces. Despite the arrests of six suspects soon after the murder of Sandoval Bustillo, by spring 1999 the case had still not come to trial and remained unresolved.⁴⁸

COFADEH coordinator Bertha Oliva de Nativí, whose husband was disappeared in the early 1980s, and members of her staff are frequently the targets of death threats, surveillance by unmarked vehicles and official harassment.⁴⁹ In October 1998, she was accused of “profiteering” in an article published by *La Tribuna*, the daily newspaper owned by Honduran President Carlos Flores Facussé, because, the article alleged, she had obtained financial benefits from Amnesty International. The article provided fodder for a round of COFADEH-bashing in the broadcast media. Amnesty International wrote to the editor of the newspaper requesting a public retraction but, according to the organization, neither the letter nor a retraction had been published by mid-1999.⁵⁰

On the morning of July 5, 1999, Dora Emperatriz Oliva Guifarro, a member of the COFADEH staff and the sister of Bertha Oliva, was temporarily kidnapped by two well-dressed men who commandeered her car in broad daylight in front of the Swedish Embassy in Tegucigalpa. They drove her around the city for two hours, threatened her

⁴⁸ Amnesty International. “A Spate of Killings in Honduras,” *More Protection, Less Persecution: Human Rights Defenders in Latin America* (London: AI, AMR 01/02/99, June 1999). [Internet] www.amnesty.org/ailib/aipub/1999/AMR/20100299.htm. “Rights Leader Shot in Honduras, Death Squads Blamed,” *Reuters* (Tegucigalpa: 11 February 1999).

⁴⁹ Amnesty International. “Human Rights Defenders in Central America: Honduras,” *Central America and Mexico: Human Rights Defenders on the Front Line* (London: AI, AMR 37/01/96, March 1996), p. 4-5. [Internet] www.amnesty.org/ailib/intcam/cemexico/honduras.htm. Amnesty International. “Honduras,” *Amnesty International Report 1998* (London, May 1998), p. 1. [Internet] www.amnesty.org/ailib/aireport/ar98/amr37.htm.

⁵⁰ Amnesty International. “A Spate of Killings in Honduras,” *More Protection, Less Persecution: Human Rights Defenders in Latin America* (London: AI, AMR 01/02/99, June 1999) [Internet] www.amnesty.org/ailib/aipub/1999/AMR/20100299.htm.

and her children with death because of her human rights activities, then robbed her before leaving her and the vehicle in an isolated part of the city.⁵¹

B. Public Human Rights Defenders

The office of the *Comisionado Nacional de Derechos Humanos* (CONADEH), National Human Rights Commissioner, was established in 1992 and lawyer Leo Valladares Lanza was elected to the position by the Honduran Congress. He was re-elected in 1996. In December 1993, CONADEH published a 1,000-page report documenting past disappearances carried out by Honduran security forces, *Los Hechos Hablan Por Si Mismos*, The Facts Speak for Themselves. Since the founding of CONADEH, Valladares and members of his staff consistently have been the targets of death threats and harassment.⁵²

In March 1999, CONADEH issued an interim report on the use of foreign aid which had arrived in the first months after Hurricane Mitch. CONADEH found numerous instances of mismanagement and referred 17 cases of alleged corruption to the office of the *Fiscal del Estado*, Attorney General. Rather than address the problem, the Honduran Congress tried to retaliate against Valladares by moving to cut short his term, but backed down in the face of international support for Valladares.⁵³

Since 1993, government officials active in clarifying human rights cases, particularly prosecutors in the office of the Attorney General, increasingly have been the targets of death threats, surveillance by unknown parties and, on occasion, physical attacks.⁵⁴ In 1998, Attorney General Edmundo Orellana and Comptroller General Vera Rubí reported that they and their families had received a number of death threats due to

⁵¹ “Secuestro temporal, amenazas a muerte, intimidación y robo a la activista de derechos humanos Dora Emperatriz Oliva,” COFADEH statement issued in Tegucigalpa, 5 July 1999.

⁵² Amnesty International. “Human Rights Defenders in Central America: Honduras,” *Central America and Mexico: Human Rights Defenders on the Front Line* (London: AI, AMR 37/01/96, March 1996), p. 5. [Internet] www.amnesty.org/ailib/intcam/cemexico/honduras.htm. Amnesty International. “Honduras,” *Amnesty International Report 1998* (London: AI, May 1998), p. 2. [Internet] www.amnesty.org/ailib/aireport/ar98/amr37.htm. Amnesty International. “Honduras,” *Amnesty International Report 1997* (London, May 1997), p. 2. [Internet] www.amnesty.org/ailib/aireport/ar97/amr37.htm.

⁵³ Wilson, James. “Honduras: Human rights curb under fire,” *Financial Times* (Panama City: 24 April 1999). Moreno, Blanca. “Congress cuts term of rights commissioner,” *Honduras This Week* (Tegucigalpa: 26 April 1999). Online Edition 154: [Internet] www.marrder.com/htw/April99/national.htm.

⁵⁴ Amnesty International. “Human Rights Defenders in Central America: Honduras,” *Central America and Mexico: Human Rights Defenders on the Front Line* (London: AI, AMR 37/01/96, March 1996), p. 5-6. [Internet] www.amnesty.org/ailib/intcam/cemexico/honduras.htm.

their investigations into human rights cases and official corruption.⁵⁵ In October 1998, Pedro García Villanueva, regional coordinator for the Attorney General's office in the northwest section of the country, was assassinated near his residence in the city of Santa Bárbara. As reported by the Spanish daily *El País*, Leo Valladares said that García had performed "excellent work" in exposing the involvement of military and police officers in criminal gangs, while Attorney General Orellana stated that military and police officers who were involved in organized crime and drug-trafficking were behind the killing.⁵⁶ In early 1999 Orellana left his position as Attorney General. After he asked for a new post outside of Honduras because of the continual death threats he and his family had been receiving, the government appointed him as ambassador to the United Nations in New York.⁵⁷

C. Indigenous Rights Activists

Indigenous peoples are at the bottom of the social ladder in Honduras. They comprise about 10 percent of the national population of 6.2 million, and are divided into more than half a dozen culturally differentiated ethnic groups.⁵⁸ The Lenca, one of the largest, and the Maya-Chortí are found in the most impoverished central and western areas of the country. The Garífuna (Black Caribs) are found along the Atlantic littoral, while the Miskito live mostly in the coastal region in the eastern department of Gracias a Dios, an area also known as La Mosquitia. Other groups include the Tawahka, the Xicauque, the Pech, the Tolupán and the Nahohas.⁵⁹

During the 1990s, indigenous groups have organized locally and nationally to peacefully press for rights to traditional tribal lands which in many cases have been

⁵⁵ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1998* (Washington, DC: US Department of State, 26 February 1999), p. 10. [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html. "New Ambassadors Named," *Honduras This Week* (Tegucigalpa: 22 March 1999), Online Edition 150: [Internet] www.marrder.com/htw/March_99/national.htm.

⁵⁶ Dalton, J.J. "La Fiscalía de Honduras implica al Ejército en el asesinato de uno de sus miembros," *El País* (Madrid: 8 October 1999).

⁵⁷ "New Ambassadors Named," *Honduras This Week* (Tegucigalpa: 22 March 1999), Online Edition 150: [Internet] www.marrder.com/htw/March_99/national.htm.

⁵⁸ Pan American Health Organization. *Health in the Americas, 1998 Edition, Volume II* (Washington DC: PAHO, [1999]), p. 332. Associated Press (Tegucigalpa: 1 May 1999).

⁵⁹ Pan American Health Organization. *Health in the Americas, 1998 Edition, Volume II* (Washington DC: PAHO, 1998), p. 332. Associated Press (Tegucigalpa: 1 May 1999). "Sufrió embates hasta del Congreso Nacional," *Diario Tiempo* (San Pedro Sula: 13 July 1999).

usurped by large agricultural, ranching, logging and, most recently, tourism enterprises.⁶⁰ Two of the principal groupings are the *Consejo Cívico de Organizaciones Populares e Indígenas* (COPIN), Civic Council of Popular and Indigenous Organizations, and the *Confederación de Pueblos Autóctonos de Honduras* (CONPAH), Confederation of Native Peoples of Honduras. In 1998, after a series of peaceful protests, COPIN succeeded in gaining official recognition as a legal representative of Honduran indigenous people.⁶¹

Nevertheless, indigenous peoples and indigenous advocacy groups remain subject to widespread discrimination and continue to be targets of human rights violations including violent attacks and killings. Indigenous communities have little or no ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources—for example, the government makes all decisions regarding the exploitation of timber resources on traditional tribal lands—and Honduran courts commonly deny legal recourse to indigenous groups while showing bias in favor of non-indigenous parties of means and influence.⁶² An estimated 300,000 Honduran *campesinos*, a great many of them indigenous people, are without land.⁶³ In early 2000, one Miskito group led by Natan Pravia alleged that armed drug traffickers were occupying traditional indigenous lands in coastal areas of Gracias a Dios to use as a base for their criminal activities.⁶⁴

Numerous indigenous activists have been killed with impunity by gunmen evidently in the pay of large landowners—at least 43 in the last five years alone, according to indigenous and Honduran rights organizations—and in a number of cases

⁶⁰ Gutman, W.E. “Cándido Amador (1958-1997): Unavenged but not forgotten - Part 2,” *Honduras This Week* (Tegucigalpa: 19 April 1999), Online Edition 153: [Internet] www.marrder.com/htw/April99/national.htm. Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1998* (Washington, DC: US Department of State, 26 February 1999), p. 12-13. [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html.

⁶¹ InforPress Centroamericana. *Honduras: Land Reform and Campesino Organizations* (Guatemala City: January 1999), draft paper prepared for the INS Resource Information Center.

⁶² Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 15-16 [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

⁶³ Gutman, W.E. “Cándido Amador (1958-1997): Unavenged but not forgotten - Part 1,” *Honduras This Week* (Tegucigalpa: 12 April 1999), Online Edition 152: [Internet] www.marrder.com/htw/April99/national.htm.

⁶⁴ BBC News World: Americas. “UN Airlift to Honduras,” 21 March 2000.

there has been evidence of involvement of military and police personnel.⁶⁵ Murdered activists have come from a number of different indigenous groups, including the Lenca, Maya-Chortí, Tolupán, Xicaque, and Garífuna.⁶⁶

Among recent killings were the murders of three Maya-Chortí activists on March 12, 2000 in the town of Copán Ruinas in the western department of Copán. Maya-Chortí leaders claimed the killings were part of continuing efforts by large landowners, particularly the family of Juan Angel Cuevas, “to purge the area of indigenous leaders.” When the following day police dismissed the killings as the result of “an inter-tribal dispute,” Maya-Chortí activists alleged that the police were in league with local landowners.⁶⁷ In another recent case, José Cosme Reyes, a Lenca activist, was strangled on December 31, 1999 in the town of La Campa, 120 miles west of Tegucigalpa.⁶⁸

Official investigations have been carried out in very few cases. One is that of Cándido Amador Recinos, a charismatic Maya-Chortí activist known throughout the country who was murdered in April 1997 in Copán Ruinas.⁶⁹ Since 1995 Amador Recinos had led mobilizations and demonstrations to demand the return of tribal lands and restitution from large landowners, and in response he and other Maya-Chortí activists had met with death threats, illegal detentions and arson attacks.⁷⁰ When investigations into the killing of Amador Recinos began, landowners in western Honduras purchased space in newspapers to plant simulated news articles which alleged that the murder was

⁶⁵ Gutman, W.E. “Three Maya-Chorti leaders assassinated in Copán Ruinas,” *Honduras This Week* (Tegucigalpa: 20 March 2000), Online Edition 12: [Internet] www.marrder.com/htw/March 00/national.htm. Amnesty International. “Honduras,” *Amnesty International Report 1998* (London, May 1998), p. 2-3. [Internet] www.amnesty.org/ailib/aireport/ar98/amr37.htm. Cuevas, Freddy. “Killers of Indian Leaders Sought,” *Associated Press* (Tegucigalpa: 1 May 1999). Gutman, W.E. “Cándido Amador (1958-1997): Unavenged but not forgotten - Part 1,” *Honduras This Week* (Tegucigalpa: 12 April 1999), Online Edition 152: [Internet] www.marrder.com/htw/April 99/national.htm.

⁶⁶ Amnesty International. “Honduras,” *Amnesty International Report 1998* (London, May 1998), p. 2-3. [Internet] www.amnesty.org/ailib/aireport/ar98/amr37.htm. Gutman, W.E. “Three Maya-Chorti leaders assassinated in Copán Ruinas,” *Honduras This Week* (Tegucigalpa: 20 March 2000), Online Edition 12: [Internet] www.marrder.com/htw/March 00/national.htm. “Fiscalía pide castigo para asesinos de trez xicaques,” *Diario Tiempo* (San Pedro Sula: 11 May 1999).

⁶⁷ “Ultimado uno de los atacantes: Balacera en Copán Ruinas deja tres Chortís muertos,” *Diario Tiempo* (San Pedro Sula: 14 March 2000). Gutman, W.E. “Three Maya-Chorti leaders assassinated in Copán Ruinas,” *Honduras This Week* (Tegucigalpa: 20 March 2000), Online Edition 12: [Internet] www.marrder.com/htw/March 00/national.htm.

⁶⁸ “Honduran Indian Leader Slain,” *Associated Press* (Tegucigalpa: 6 January 2000).

⁶⁹ Amnesty International. “Honduras,” *Amnesty International Report 1998* (London, May 1998), p. 2-3. [Internet] www.amnesty.org/ailib/aireport/ar98/amr37.htm.

⁷⁰ Gutman, W.E. “Cándido Amador (1958-1997): Unavenged but not forgotten - Part 1,” *Honduras This Week* (Tegucigalpa: 12 April 1999), Online Edition 152: [Internet] www.marrder.com/htw/April 99/national.htm.

“engineered to fabricate an indigenous martyr” or the result of “inter-ethnic disputes” or “personal problems.” As of early 2000 the case remained unresolved.⁷¹

In July 1999, the *Organización Nacional Indígena Lenca de Honduras* (ONILH), National Indigenous Lenca Organization of Honduras, a pro-government indigenous group which opposes COPIN, alleged that in Tegucigalpa six of its members were illegally detained, severely beaten and robbed by police. ONILH charged that when its members identified themselves as indigenous activists, the police said, “The Indians should be killed so they don’t become rebellious.”⁷²

On October 12, 1999, police violently broke up a march organized by COPIN in Tegucigalpa. About 5,000 mostly indigenous demonstrators demanded justice for killings of activists and protested the government’s plan to strike down constitutional Article 107 which prohibits foreign ownership of lands within 25 miles of coastlines and national borders, areas in which many indigenous live and have sought title to traditional lands. The police, despite only minimal provocation from generally peaceful marchers, fired tear gas and bullets into the crowd, injuring nearly two dozen protesters.⁷³ In the months following the march, the government backed off its efforts to eliminate Article 107, dropped charges against about 35 people arrested during the demonstrations, and agreed to pay indemnities to 21 people injured by police.⁷⁴

D. Peasant Organizations

There is some overlap in the activities of non-Indian *campesino*, or peasant, organizations and the strictly indigenous organizations discussed in Section C. Land is a principal concern of both groups and both have stood against government efforts to remove Article 107. However, indigenous groups are principally struggling for legal recognition of traditional tribal lands, while peasant organizations are focused more on

⁷¹ Gutman, W.E. “Cándido Amador (1958-1997): Unavenged but not forgotten - Part 1,” *Honduras This Week* (Tegucigalpa: 12 April 1999), Online Edition 152: [Internet] www.marrder.com/htw/April99/national.htm. Bureau of Democracy, Human Rights and Labor. “Honduras,” *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 16. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

⁷² “Indígenas lencas denuncian que policías los golpearon y les robaron 9,000 lempiras,” *Diario Tiempo* (San Pedro Sula: 29 July 1999).

⁷³ Fiallos, María. “Indigenous groups and police clash,” *Honduras This Week* (Tegucigalpa: 18 October 1999) Online Edition 179: [Internet] www.marrder.com/htw/October99/national.htm. Durán, Juan Ramón. “Government to Drop Charges Against Protesters,” *Inter Press Service* (Tegucigalpa: 5 November 1999). “18 Injured in Honduran Protest,” *Associated Press* (Tegucigalpa: 12 October 1999).

⁷⁴ Durán, Juan Ramón. “Government to Drop Charges Against Protesters,” *Inter Press Service* (Tegucigalpa: 5 November 1999). “En marzo pagarán indemnizaciones a indígenas heridos por policías,” *Diario Tiempo* (Tegucigalpa: 19 February 2000).

restoring land reform programs adopted during the 1960s and 1970s and substantially reversed by governments in the 1990s, what peasant activists refer to as the “agrarian counter-reform.” Also, peasant organizations, having been susceptible to the divide-and-conquer and co-optation tactics of successive governments, in recent years have not experienced the same levels of repression and harsh attacks endured by indigenous groups as described in Section C.⁷⁵

In 1999 there were no less than 12 peasant organizations claiming to have a national membership, the result of deep divisions which have occurred within the *campesino* movement since the 1980s. Repression against peasant organizations was severe during the 1980s and, as former CODEH president Ramón Custodio has pointed out, many groups split over whether to accept meager government offerings or face continuing crackdowns.⁷⁶

In recent years, while indigenous organizations have become more militant, *campesino* groups have been more apt to seek government concessions through negotiations rather than confrontation. Governments generally have been willing to engage peasant organizations in this way, while continuing to exploit the divisions between them. In early 2000, for example, two major groups, the *Comité Coordinador de Organizaciones Campesinas de Honduras* (COCOCH), Coordinating Committee of Honduran Peasant Organizations, and the *Asociación Nacional de Campesinos de Honduras* (ANACH), National Association of Peasants of Honduras, jostled over which one would benefit from lands expected to become available with the dismantling of the El Aguacate military base in the eastern department of Olancho. Meanwhile, the government seemed to take the opportunity afforded by the bickering between the two groups to cut funding for the national agrarian institute’s land tenancy programs.⁷⁷

E. Environmental Advocates

Illegal logging is a major issue in Honduras. The Congress has passed laws to regulate the timber industry and slow down the steady advance of deforestation. But the authorities have a poor enforcement record and a growing number of environmental

⁷⁵ Walker, Ian. “Honduras legislates for farm recovery,” *Financial Times* (London: 20 March 1992). InforPress Centroamericana. *Honduras: Land Reform and Campesino Organizations* (Guatemala City: January 1999), draft paper prepared for the INS Resource Information Center. “The Struggle for Land Reform in Central America,” *Swiss Review of World Affairs* (1 December 1994).

⁷⁶ InforPress Centroamericana. *Honduras: Land Reform and Campesino Organizations* (Guatemala City: January 1999), draft paper prepared for the INS Resource Information Center.

⁷⁷ “Tomarán en cuenta a la ANACH al repartir tierras de El Aguacate,” *Diario Tiempo* (Tegucigalpa: 31 January 2000). “Land titling process in jeopardy,” *Honduras This Week* (Tegucigalpa: 6 March 2000) Online Edition 10: [Internet] www.marrder.com/htw/March00/national.htm.

advocates have mobilized to protect the country's diminishing woodlands. Some have encountered threats and other forms of intimidation. In May 1998, environmental activist Carlos Antonio Luna López was murdered and his secretary wounded as they left city hall in Catacamas, the capital of the eastern province of Olancho. Luna was a leader of the *Grupo Ecológico de Olancho*, Olancho Ecological Group, and a member of the Catacamas city council.⁷⁸

In September 1998, hundreds of people demonstrated in Tegucigalpa to protest the government's failure to resolve the Luna case. Marco Ramiro Lobo, the spokesperson and legal counsel for the *Grupo Ecológico de Olancho*, charged that there was a cover-up. Lobo noted that five days before Luna's murder, Jorge Chávez, son-in-law of Honduran Congress president Rafael Piñeda Ponce, had been arrested on charges of illegal logging based on evidence provided by Luna. Lobo alleged that Chávez was released within hours because of his political connections and that Chávez had subsequently paid for the killing of Luna.⁷⁹ CODEH noted that Luna also had opposed the construction of a hydroelectric dam, one of whose developers was Miguel Facussé, a relative of Honduran President Carlos Flores Facussé, and that Luna had petitioned for the return of lands occupied by a military base to the municipality of Catacamas.⁸⁰ Based on witness accounts, a man was arrested in connection with the Luna murder, and Lobo alleged that the man was one of possibly a number of hired killers. In early 2000, nearly two years after the killing, legal proceedings against the alleged hit man continued while, according to one press report, Jorge Chávez remained under investigation.⁸¹

In June 1999, José Ismael Ordóñez, the special prosecutor for the environment in the office of the Attorney General, was ambushed while driving in his vehicle in Marale in the central department of Francisco Morazán. The attackers jumped out from the roadside and fired with AK-47 rifles, hitting Ordóñez three times. Ordóñez, who

⁷⁸ Fiallos, María. "Protesters demand justice in case of murdered environmentalist," *Honduras This Week* (Tegucigalpa: 29 September 1998), Online Edition 125: [Internet] www.marrder.com/htw/September98/national.htm. Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1998* (Washington, DC: US Department of State, 26 February 1999), p. 2. [Internet] www.state.gov/www/global/human_rights/1998_hrp_report/honduras.html.

⁷⁹ Fiallos, María. "Protesters Demand Justice in a Case of Murdered Environmentalist," *Honduras This Week* (Tegucigalpa: 29 September 1998), Online Edition 125: [Internet] www.marrder.com/htw/April99/national.htm.

⁸⁰ Comité de Defensa de Derechos Humanos en Honduras (CODEH). *Informe Sobre La Situación de los Derechos Humanos en Honduras, Enero de 1990 - Junio de 1998* (Tegucigalpa: July 1998), p. 6. [Internet] www.codeh.hondunet.net/INF1998.htm.

⁸¹ "Witnesses positively identify assassin of Carlos Luna once again," *Honduras This Week* (Tegucigalpa: 28 February 2000), Online Edition 9: [Internet] www.marrder.com/htw/February2000/national.htm.

survived, was in the process of investigating reports of illegal logging at a site known as Victoria.⁸²

F. Street Children and Members of Youth Gangs

The number of indigent street children has steadily increased in recent years. The Honduras branch of *Casa Alianza*, sister organization of the U.S.-based Covenant House, estimated that there were about 5,000 in 1997.⁸³ In 1998, the Honduran government estimated that the number of street children had risen to nearly 8,000, only half of whom had shelter on any given day, and that that figure had increased substantially in the aftermath of Hurricane Mitch in late 1998.⁸⁴ Many street children have been sexually molested and are HIV-positive; about 40 percent regularly engage in or are exploited for the purposes of prostitution; and more than a third are addicted to sniffing glue or other industrial chemicals and solvents.⁸⁵

Street children are the targets of violent attacks, including killings, by both police and the general public and, when arrested for serious crimes, they are illegally placed in adult prisons where they are often abused by older inmates.⁸⁶ In March 1999, the Inter-American Commission on Human Rights of the Organization of American States, ruled, with regard to a case brought by *Casa Alianza*, that the Honduran government had failed to protect the rights and personal integrity of hundreds of minors who had been illegally imprisoned in adult jails when Honduran law calls for minors to be held in juvenile detention centers.⁸⁷ In Tegucigalpa in April 1999, Alexander Obando Reyes, a former

⁸² "Prosecutor Wounded in Ambush," *Honduras This Week* (Tegucigalpa: 21 June 1999), Online Edition 162:[Internet] www.marrder.com/htw/June_99/national.htm.

⁸³ "Juez de Inmigración Da Asilo a Niño de la Calle Hondureño Debido a Persecución Policiaca," [Press Release] (Casa Alianza, 18 December 1997). [Internet] www.derechos.org/ddhh/casalnza/asilo.html.

⁸⁴ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 15. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

⁸⁵ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: U.S. Department of State, 25 February 2000), p. 15. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

⁸⁶ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: U.S. Department of State, 25 February 2000), p. 15. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

⁸⁷ "Inter-American Commission on Human Rights rules against the State of Honduras for failure to respect and guarantee the rights of illegally imprisoned children," [Press Release] (Casa Alianza, 19 March 1999). [Internet] www.casa-alianza.org/EN/lmn/docs/19990219.00258.htm.

street child and resident of a *Casa Alianza* group home, was shot and killed for no apparent reason by a uniformed police officer who then ran off, according to witnesses.⁸⁸

Many street children eventually join youth gangs which have proliferated in recent years and engage in various forms of criminal activity from petty theft to drug-trafficking and armed robbery. A 1998 report by UNICEF estimated that more than 10,000 Honduran youths belong to gangs which increasingly have become the targets of the social cleansing death squads described above in Part I, Section B.⁸⁹ For example, in July 1998 ten teenage gang members were killed in San Pedro Sula, all tortured, handcuffed and shot in the forehead.⁹⁰ The month before, a clandestine group calling itself the *Papa Commando*, Father Commando, issued a statement to the media in which it threatened to execute members of youth gangs.⁹¹

Among the more prominent of the Honduran youth gangs are the *Mara Salvatrucha*, also known as the *MS*, and *La 18*, offshoots of Salvadoran youth gangs which operate in El Salvador and the United States. Two of the major gangs originally spawned in Honduras are *La 75* and *Suncery*.⁹²

In September 1998, the special prosecutor for human rights in the office of the Attorney General said that nationally more than 100 youth gang members had been killed execution-style since 1995, that in San Pedro Sula alone, the country's second largest city, approximately 40 minors had been killed in just the previous year.⁹³ In October 1999, CODEH reported that in that year to date, more than 160 mostly young delinquents had been killed execution-style.⁹⁴ According to the U.S. Department of State, in 1999, as in 1998, the Honduran government "did not take effective action to try, convict, or punish anyone for these offenses."⁹⁵

⁸⁸ "UN Committee Asks Honduras for More Protection for Street Children," *Honduras This Week* (Tegucigalpa: 7 June 1999), Online Edition 160: [Internet] www.marrder.com/htw/June 99/national.htm.

⁸⁹ "Gang Members' Death Blamed on Death Squads," *Honduras This Week* (Tegucigalpa: 14 September 1998), Online Edition 123: [Internet] www.marrder.com/htw/September 98/national.htm.

⁹⁰ Cuevas, Freddy. "Gang Members Targeted in Honduras," *Associated Press* (Tegucigalpa: 1 July 1998).

⁹¹ "Church Decries Killings of Gang Members in Honduras," *Reuters* (Tegucigalpa: 6 July 1998).

⁹² Cuevas, Freddy. "54 Executions Denounced in Honduras," *Associated Press* (Tegucigalpa: 10 September 1999). "En infierno se convirtió presidio por enfrentamiento de pandilleros," *La Tribuna* (Tegucigalpa: 14 November 1999).

⁹³ "Gang Members' Death Blamed on Death Squads," *Honduras This Week* (Tegucigalpa: 14 September 1998), Online Edition 123: [Internet] www.marrder.com/htw/September 98/national.htm.

⁹⁴ Cuevas, Freddy. "Sospechan en Honduras de escuadrones de la muerte," *Associated Press* (Tegucigalpa: 15 October 1999).

⁹⁵ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p 3. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

G. Women

Despite the enactment by the Honduran Congress of a Law against Domestic Violence in 1997, and the amendment of the penal code to classify domestic violence and sexual harassment as crimes, domestic violence and discrimination against women remains widespread.⁹⁶ In 1998, approximately 3,000 physically abused women took legal action under the new legislation, but their cases remained pending at the end of the year because the government had yet to create the special courts authorized by the new law. Meanwhile, there are still very few shelters for battered women, while the penalties for rape remain relatively light, ranging from three to nine years in prison. Sexual harassment in the workplace also remains prevalent, and women continue to be discriminated against in terms of job advancement and salaries.⁹⁷ In August 1999, Yadira Mineros, coordinator of the independent *Centro de Derechos de Mujeres*, Center for Women's Rights, stated that the government continued "to lack the political will" to apply the two-year-old legislation against domestic violence.⁹⁸

In late February 2000, however, the Supreme Court announced finally that by April it would create four special courts for hearing domestic violence complaints, two in Tegucigalpa and two in San Pedro Sula. At the same time, both public and private entities reported an increase in the number of such complaints; for example, the *Oficina Gubernamental de la Mujer*, Government Office on Women, said at the end of February that in the first two months of 2000 it had already received more than 6,000 denunciations of domestic violence against women.⁹⁹

H. Gay Men and Lesbians

Prior to 1985, when the first cases of HIV were officially reported, Honduran gay men and lesbians were tolerated, although they remained socially marginalized and were generally scorned within the country's traditional *machismo* culture. Once the specter of AIDS had been raised, however, gays and lesbians became the targets of virulent

⁹⁶ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), pp. 13-14. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

⁹⁷ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 13-14. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

⁹⁸ "Falta mucha voluntad política para aplicar Ley Contra la Violencia Doméstica," *Diario Tiempo* (San Pedro Sula: 5 August 1999).

⁹⁹ "Crearán 4 juzgados para atender casos de violencia doméstica," *Diario Tiempo* (San Pedro Sula: 28 February 2000). "Aumenta el número de mujeres víctimas de violencia doméstica," *Diario Tiempo* (San Pedro Sula: 9 March 2000).

homophobia and discrimination, even though the great majority of AIDS cases reported in the country would eventually be attributed to heterosexual transmission. The military, supported by the Ministry of Public Health and the Roman Catholic Church in Honduras, cracked down on the narrow social space occupied by gays, raiding bars, making mass arrests, and generally driving a stigmatized sexual minority further underground. As researcher Richard Elliott reported in 1995-1996, following two months of interviews with gays and lesbians in Honduras, gays frequently have been assaulted in the streets, denied medical attention in hospitals, and attacked, robbed, beaten and even at times raped by police and military personnel.¹⁰⁰

The pattern of attacks, harassment and discrimination, has continued into the late 1990s, as related by Honduran gay and human rights activists, a number of whom were interviewed for a report recently prepared by *InforPress Centroamericana*.¹⁰¹ In that report, police are described as “repressive against the gay community,” while gays and lesbians “are denied access to work, healthcare and even education,” and are excluded from political, cultural and religious spheres.¹⁰² Marco Antonio Alonso, president of *Colectivo Violeta*, one of the country’s few gay advocacy organizations, wrote to the International Gay and Lesbian Human Rights Commission (IGLHRC) in May 1998 that his group had documented about two dozen cases of murders of gays and transvestites in Tegucigalpa and San Pedro Sula, with homophobia and robbery the apparent motives in nearly all of the cases. He said that only five cases had been resolved by law enforcement authorities.¹⁰³

One Honduran gay activist said in 1994, “AIDS and police aggression will devastate us if we don’t organize.”¹⁰⁴ The first group formed to address gay issues was started in San Pedro Sula in 1991, the *Asociación Hondureña de Homosexuales Contra el SIDA* (AHCOS), the Association of Honduran Homosexuals Against AIDS. Most coverage of AHCOS in the media was negative. AHCOS applied to the government

¹⁰⁰ Elliot, Richard. *Human Rights Violations in Honduras Against Sexual Minorities and People with HIV/AIDS*, paper prepared for the Canadian Lawyers Association for International Human Rights (CLAHR) (Ottawa, Canada: August 1995, revised February 1996), p. 27, 32-34, 49-54.

¹⁰¹ Inforpress Centroamericana. *Report on Homosexuality in Honduras, Part I* [Draft report prepared for the INS Resource Information Center] (Guatemala City: February 1999).

¹⁰² Inforpress Centroamericana. *Report on Homosexuality in Honduras, Part I* [Draft report prepared for the INS Resource Information Center] (Guatemala City: February 1999), p.1-2.

¹⁰³ Email letter from Marco Antonio Alonso, President of *Colectivo Violeta*, dated 1 May 1998, on file at the International Gay and Lesbian Human Rights Commission (IGLHRC) in San Francisco.

¹⁰⁴ Elliot, Richard. *Human Rights Violations in Honduras Against Sexual Minorities and People with HIV/AIDS*, paper prepared for the Canadian Lawyers Association for International Human Rights (CLAHR) (Ottawa, Canada: August 1995, revised February 1996), p. 34.

for legal standing in 1994, stating that its goal was HIV/AIDS education and prevention. The Roman Catholic Church in Honduras stepped up its campaign against the group, stating that to recognize the group's existence would be to promote "a culture of death." After consulting with the church, the Ministry of Government rejected AHCOS's application, stating that the organization was "contrary to morality and public decency" under Honduran law, and that its decision was based in part on science that defines homosexuality as "perversion."¹⁰⁵ After AHCOS was denied legal recognition, its Tegucigalpa chapter went independent, calling itself *Colectivo Violeta*. In 1998, it had about 130 members, half of them students.¹⁰⁶ AHCOS later also spawned the *Comunidad Gay Sampedrana*, San Pedro Sula Gay Community. To date, no gay organization in Honduras has been legally recognized.¹⁰⁷

The other principle gay rights organization is *Prisma*, Prism, formed by a group of gay men and lesbians in 1994. By 1998, it had about 300 members. Nina Cobos of *Prisma* states that lesbians suffer "double marginalization" for being both women and gay.¹⁰⁸ Also known as *Casa Prisma*, Prism House, it has attempted to mobilize the gay community to campaign for legislation that would recognize and protect their rights. There is no mention in the Honduran constitution of gay people, and there are no laws protecting the gay and lesbian community from discrimination and persecution. According to the *InforPress Centroamericana* report, the Attorney General's office currently accepts complaints from gay people about violations of their constitutional rights, but few in the gay community take their cases to that office because of fear and lack of trust.¹⁰⁹ Generally, according to Honduran gay and human rights activists, the current government's attitude toward continued attacks and harassment of members of the gay community has been "complete indifference."¹¹⁰

¹⁰⁵ Elliot, Richard. *Human Rights Violations in Honduras Against Sexual Minorities and People with HIV/AIDS*, paper prepared for the Canadian Lawyers Association for International Human Rights (CLAHR) (Ottawa, Canada: August 1995, revised February 1996), p. 35-37, 51-52.

¹⁰⁶ Inforpress Centroamericana (Guatemala). *Report on Homosexuality in Honduras, Part I* [Draft report prepared for the INS Resource Information Center] (Guatemala City: February 1999), p. 4.

¹⁰⁷ Inforpress Centroamericana (Guatemala). *Report on Homosexuality in Honduras, Part I* [Draft report prepared for the INS Resource Information Center] (Guatemala City: February 1999), p. 3.

¹⁰⁸ Inforpress Centroamericana (Guatemala). *Report on Homosexuality in Honduras, Part I*, [Draft report prepared for the INS Resource Information Center] (Guatemala City: February 1999), p. 3.

¹⁰⁹ Inforpress Centroamericana (Guatemala). *Report on Homosexuality in Honduras, Part I*, [Draft report prepared for the INS Resource Information Center] (Guatemala City: February 1999), p. 3-4.

¹¹⁰ Inforpress Centroamericana (Guatemala). *Report on Homosexuality in Honduras, Part I*, [Draft report prepared for the INS Resource Information Center] (Guatemala City: February 1999), p. 1.

I. Journalists

Close personal relationships between media owners and President Carlos Flores, along with the corruption of individual journalists, combine to undermine public confidence in the Honduran press. Critics allege that Flores personally pressures media owners who criticize him, while rewarding those who support his policies, often with diplomatic posts. Under Article 323 of the penal code, journalists who “offend the president of the Republic” can be sentenced to 12 years in prison. In addition, many journalists accept bribes from government officials in exchange for positive coverage. As an example, independent journalists note that in 1998 local reporting of the government’s response to Hurricane Mitch was mostly favorable, while the foreign press raised numerous and serious questions about its actions.¹¹¹

Overall, according to the New York-based Committee to Protect Journalists, during 1999:

Restrictive government policies aimed at silencing independent media and corruption among local journalists themselves cast a long shadow over press freedom. The country’s few independent journalists routinely face government pressures. Their phones are often tapped, they are ridiculed by the establishment press, and they live in a constant state of fear.¹¹²

According to the Committee’s report, in 1999 a San Pedro Sula television journalist, Rossana Guevara, was seriously harassed and her dog poisoned after she investigated cases of government corruption.¹¹³ In another incident, on July 30, 1999, the day when it appeared that a military coup was underway, Renato Álvarez, news director for television Channel 63 in Honduras, was threatened by unidentified men at his home. Earlier, Álvarez had reported on his program that various military officers had consulted a number of Honduran business and political elites, as well as President Hugo Chávez of Venezuela, about possible backing for a military takeover.¹¹⁴

¹¹¹ Committee to Protect Journalists. *Country Report: Honduras* (New York: 31 December 1998). [Internet] www.cpj.org/countrystatus/1998/Americas/Honduras.html.

¹¹² Committee to Protect Journalists. *Attacks on the Press in 1999* (New York: March 2000) p. 198.

¹¹³ Committee to Protect Journalists. *Attacks on the Press in 1999* (New York: March 2000) p. 198.

¹¹⁴ “Varios organismos creen que la crisis militar en Honduras ‘no está cerrada’,” *El País* (Madrid: 2 August 1999) - from *EFE* Spanish News Agency (Tegucigalpa). Committee to Protect Journalists. *Attacks on the Press in 1999* (New York: March 2000) p. 198.

J. Trade Unionists

There are three national labor federations, but only about 14 percent of the work force is unionized. Although prohibited by the labor code, retribution by employers for trade union activity continued to be “a common occurrence” in 1999.¹¹⁵

Some employers have threatened to close down unionized companies and have harassed workers seeking to unionize, in some cases dismissing them outright. The labor courts are considering hundreds of appeals from workers seeking reinstatement and back wages from companies that fired them for engaging in union organizing activities. However, once a union is recognized, employers actually dismiss relatively few workers for union activity. Nonetheless, such cases serve to discourage workers elsewhere from attempting to organize.¹¹⁶

The labor code also explicitly prohibits blacklisting. Nonetheless, in 1999 there continued to be credible evidence that blacklisting occurred in privately owned industrial parks known as *maquiladoras*. There also were credible reports, particularly in the export processing sector, that some government labor inspectors were actually selling names of employees involved in forming unions to companies that then dismissed the union organizers.¹¹⁷

In early March 2000, the *Federación Independiente de Trabajadores de Honduras*, Independent Federation of Workers of Honduras, charged that workers at the Shu Sing clothing factory who did not fulfill quotas or were otherwise lacking in productive output were put in cell-like punishment rooms for hours at a time. The plant, which employs about 400 people, is located in the town of Naco in the north-central department of Cortés.¹¹⁸

As of the beginning of 2000, there were some 220 *maquiladoras* employing about 110,000 workers, 80 percent of them women, with about 95 percent of the plants

¹¹⁵ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 17. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

¹¹⁶ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 17. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

¹¹⁷ Bureau of Democracy, Human Rights and Labor. "Honduras," *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 18. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

¹¹⁸ “Denunciarán internacionalmente a maquiladora que tiene celda para castigar sus trabajadores,” *La Tribuna* (Tegucigalpa: 2 March 2000).

involved in clothing assembly.¹¹⁹ Although forced or compulsory labor is illegal, there were credible reports in 1999 of compulsory overtime in *maquiladoras* in the export processing sector.¹²⁰ In February 2000, Honduran labor activists charged that because of poor, unsanitary working conditions and forced, often unpaid overtime, women workers in many *maquiladoras* suffered inordinately from ulcers and colitis and were giving birth to an inordinately high percentage of premature, underweight babies. Activists also alleged that women workers were targets of sexual harassment and were given limited access to rest rooms.¹²¹

¹¹⁹ “Mujeres de las maquilas tiene hijos prematuros,” *Diario Tiempo* (San Pedro Sula: 23 February 2000). Bureau of Democracy, Human Rights and Labor. “Honduras,” *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 19. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

¹²⁰ Bureau of Democracy, Human Rights and Labor. “Honduras,” *Country Report on Human Rights Practices for 1999* (Washington, DC: US Department of State, 25 February 2000), p. 19. [Internet] www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

¹²¹ “Mujeres de las maquilas tiene hijos prematuros,” *Diario Tiempo* (San Pedro Sula: 23 February 2000).